

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

CONVOLVE, INC. §  
§  
V. § Civil Action No. 2:08-CV-244 (CE)  
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§  
DELL INC., §  
WESTERN DIGITAL CORPORATION, §  
HITACHI GLOBAL STORAGE §  
TECHNOLOGIES, INC. and HITACHI LTD. §

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**July 21, 2011  
Jury Trial Day Four**

**OPEN: 8:28 a.m.**

**ADJOURN: 5:26 p.m.**

ATTORNEYS FOR PLAINTIFF: James Anderson  
Eric Albritton  
Marla Butler  
Stephen Edwards  
Tara Sharp  
Elizabeth Thomas  
Bryan Vogel

ATTORNEYS FOR DEFENDANTS: Deron Dacus  
Eric Findlay  
Roger Fulghum  
Jeff Homrig  
Gene Schaerr  
Melissa Smith  
Kimball Anderson  
Doug Lumish  
Michael Smith  
Bruce Wessel  
David Schwarz  
Garland Kelley  
Joseph Lee  
Richard Birnholz  
Tom Werner  
Anna Halsey  
Chris Ponder

LAW CLERK: Katrina Maher

COURT REPORTER: Shelly Holmes, CSR

COURTROOM DEPUTY: Jan Lockhart

8:28 a.m. Court opened. Hearing outside the presence of the jury regarding various issues.

Mr. Vogel and Ms. Butler argued on behalf of Plaintiff. Mr. Lumish, Mr. Homrig and Mr. Wessel argued on behalf of Defendants.

8:40 a.m. Jury returned to the courtroom.

8:41 a.m. Mr. Kimball Anderson continued his examination of Dr. Van Liere.

9:04 a.m. Mr. Albritton conducted re-direct examination of Dr. Van Liere.

9:42 a.m. Mr. Anderson conducted re-cross examination of Dr. Van Liere.

9:51 a.m. Mr. Albritton conducted further re-direct examination of Dr. Van Liere.

9:53 a.m. Mr. Anderson conducted further cross examination of Dr. Van Liere.

9:54 a.m. Mr. Wessel conducted further examination of Dr. Van Liere.

The parties passed the witness.

10:02 a.m. Mr. Albritton called Dr. Greg Leonard to testify. Dr. Leonard was previously sworn and was examined under oath.

10:14 a.m. Morning recess.

10:40 a.m. Court opened. Jury returned to courtroom. Bench conference held.

10:44 a.m. Mr. Albritton continued his examination of Dr. Leonard.

11:04 a.m. Mr. Anderson conducted cross examination of Dr. Leonard.

11:17 a.m. Mr. Wessel conducted further cross examination of Dr. Leonard.

11:20 a.m. Bench conference.

11:23 a.m. Mr. Albritton conducted re-direct examination of Dr. Leonard.

11:25 a.m. Bench conference.

11:36 a.m. Mr. Anderson conducted re-cross examination of Dr. Leonard.

11:38 a.m. Mr. Albritton conducted re-direct examination of Dr. Leonard.

11:40 a.m. The parties passed the witness. Dr. Leonard was excused.

11:41 a.m. Mr. James Anderson called Bruce McFarlane to testify. Mr. McFarlane was previously sworn and was examined under oath.

12:01 a.m. Jury excused until 12:15 p.m. Court gave parties time and rulings.

12:04 a.m. Court adjourned.

1:26 p.m. Court reconvened.

1:27 p.m. Mr. Anderson continued his examination of Bruce McFarlane.

2:21 p.m. Mr. Dacus conducted cross examination of Mr. McFarlane.

3:14 p.m. Court afternoon break.

3:41 p.m. Court reconvened.

3:42 p.m. Mr. Dacus continued his cross examination of Mr. McFarlane.

3:50 p.m. Mr. Wessel conducted further cross examination of Mr. McFarlane.

4:25 p.m. Mr. Homrig conducted further cross examination of Mr. McFarlane.

4:45 p.m. Mr. Anderson conducted re-direct examination of Mr. McFarlane.

5:06 p.m. Mr. Dacus conducted re-cross examination of Mr. McFarlane.

5:10 p.m. Mr. Wessel conducted additional re-cross examination of Mr. McFarlane.

5:13 p.m. The parties passed the witness. Bench conference.

5:14 p.m. Convolve rested.

5:15 p.m. Jury excused for day.

5:16 p.m. Hearing outside the presence of the jury. Judgments as a Matter of Law to be heard on July 22, 2011.

5:26 p.m. Court adjourned.